



Planning Commission

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Manager, Michael Turisk at 520.432.9240. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

**COMMUNITY DEVELOPMENT DEPT.
HOURS OF OPERATION**
Monday through Friday
7:30 a.m. to 5:00 p.m.
Phone: 520.432.9240
Fax: 520.432.9278



Cochise County Planning Commission

Cochise County Complex
Board of Supervisors' Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

Regular Meeting
November 13, 2013
4:00 p.m.

AGENDA

1. 4:00 P.M. - CALL TO ORDER
2. ROLL CALL (Introduce Commission members and explain quorum and requirements for taking legal action).
3. APPROVAL OF PREVIOUS MONTH'S MINUTES
4. NEW BUSINESS

Item 1 – Election of Chair

Item 2 - (Page 1) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING -- Docket SU-13-18 (Overturf): A Special Use request to use an existing single-family dwelling for a doctor's office and outpatient health clinic located at 10323 978 S. Lee Street in Saint David.

Item 3 - (Page 20) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING -- Docket R-13-02: A resolution that proposes revisions to Section 1820.02 of the Cochise County Zoning Regulations (*Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone*). The proposed revisions are intended to reflect more recent water conservation technologies for and methods of water

conservation for uses within the Sierra Vista Sub-watershed.

5. **CALL TO THE PUBLIC** - Pursuant to A.R.S. § 38-431.01 (H) this is an opportunity for the public to comment.

Individuals are invited to address the Commission on *any issue within the Commission's jurisdiction*. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

6. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS**
7. **CALL TO COMMISSIONERS ON RECENT MATTERS**
8. **ADJOURNMENT**

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

**Wednesday, October 9, 2013
REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Vice-Chair Martzke at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Due to the vacancy of the Chair, Vice-Chair Martzke chaired the meeting. He admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there was a Subdivision Tentative Plat Extension, two Special Use Dockets, and a Rezoning Docket on the Agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Martzke noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Tim Cervantes, Jim Lynch, Carmen Miller, Ron Bemis, Liza Weissler, Pat Edie, Jim Martzke, and Joe Garcia) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Michael Turisk, Planning Manager; Keith Dennis, Planner II; Peter Gardner, Planner I and Britt Hanson, Chief Civil Deputy County Attorney.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the September 11, 2013.

Action: Approve **Moved by:** Mr. Bemis, **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

Yes: Mr. Lynch, Mr. Cervantes, Mr. Bemis, Ms. Miller, Ms. Weissler, Ms. Edie, Mr. Garcia

No: 0

Abstain: Mr. Martzke

CALL TO THE PUBLIC

Mr. Martzke, with no objection from the Commission, opened the "Call to the Public."

Jack Cook spoke about various matters.

Jere Fredenburgh of Sierra Vista spoke, thanking the Commission for placing the Call to the Public at the beginning of the agenda.

She requested that statute numbers be kept in the zoning regulations, asked that any correspondence to the Commission be part of the public record either by being read into the record or by being provided to citizens prior to a meeting, and stated that the Ombudsmen recommended that the County Attorney's office provide additional guidance to the Commission regarding the Open Meeting Law. She referenced an email from then Chairman Lynch to the other Commissioners concerning the zoning regulations. Ms. Fredenburgh stated that the County Attorney's office had agreed to do so but had not yet done so.

Mr. Martzke called for the speaker of an unsigned form. Mr. Dennis and Mr. Gardner stated that the individual was outside.

Mr. Martzke called Gary Miller, who clarified that he wished to speak on Item 5.

Mr. Martzke closed the "Call to the Public."

NEW BUSINESS

Item 1

Item 1 – Election of Chair and Vice-Chair

Mr. Martzke explained that due to the resignation of Mr. Lynch as Chairman, a new Chair must be elected to fill the remainder of Mr. Lynch's term as Chair, until December. He then called for nominations. Mr. Bemis nominated Ms. Weissler. Mr. Martzke nominated Mr. Bemis, asking if Mr. Bemis would accept the nomination. Mr. Bemis did, as did Ms. Weissler. There being no further nominations, Mr. Martzke moved to close the nominations, and Mr. Lynch seconded. Mr. Martzke called for a vote by ballot. Mr. Hanson interjected that if the Commission voted by ballot that all ballots must be identified as the votes must be public. Mr. Martzke called for a vote by show of hands. Mr. Lynch, Mr. Cervantes, Ms. Weissler, and Mr. Bemis voted for Ms. Weissler. Mr. Martzke, Ms. Miller, Ms. Edie, and Mr. Garcia voted for Mr. Bemis. Mr. Martzke asked Mr. Bemis to explain his nomination of Ms. Weissler. Mr. Bemis explained his rationale, citing Ms. Weissler's participation and leadership. Mr. Martzke stated that he nominated Mr. Bemis due to Mr. Bemis' service to the citizens of the County. Mr. Lynch spoke in favor of Ms. Weissler's experience and skills. Ms. Miller echoed Mr. Martke's comments regarding Mr. Bemis. Another vote was held, with the same results as the first vote. Mr. Hanson explained the Commission's options to either continue voting or to table the election until the next meeting. Mr. Bemis suggested that he could acquiesce to Ms. Weissler. Mr. Martzke called for another vote, with the same results as the previous two votes. Mr. Martzke tabled the item to the next meeting, with no objections from the rest of the Commission.

Item 2

NOT A PUBLIC HEARING -- Docket S-08-02 (Red Hawk III, Unit IV Tentative Plat): A request to extend the Tentative Plat for the Red Hawk III, Unit IV subdivision located south of I-10 in the J-6 Ranch area.

Vice-Chair Martzke called for the Planning Director's report. Planner I, Peter Gardner, presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner explained that the request was to retroactively extend the Tentative Plat for two years to bring its status current. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke invited the Applicant to make a statement. Mr. Jim Vermilyea, joining via telephone, explained the circumstances of the request and noted that other portions of his subdivisions were currently under development, but that this section was not going to be developed until other sections were complete.

Mr. Martzke then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions requested by Staff that mirrors the Conditions of original approval. Mr. Martzke called for a motion. Mr. Bemis made a motion for Approval of the two one-year extensions to the Tentative Plat with Conditions given by Staff. Ms. Edie seconded the motion and Mr. Martzke asked for discussion. There being no discussion, Mr. Martzke called for a vote. The motion passed 8-0.

Motion: Motioned to approve two one-year extensions of the Tentative Plat with Conditions recommended by Staff. The new expiration date of this Tentative Plat is March 24, 2014.

Action: Approve with Conditions **Moved by:** Mr. Bemis **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

Yes: Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Martzke, and Mr. Garcia.

No: 0

Abstain: 0

Item 3

PUBLIC HEARING -- Docket SU-13-16 (Stonebraker): A Special Use request to construct a 1,200-foot by 48-feet private airstrip. The subject parcel is located at 729 E. Stonebraker Road, south of Tombstone. The Applicant is Mark Stonebraker.

Chairman Lynch called for the Planning Director's report. Mr. Keith Dennis presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Dennis explained that the request was to allow an existing driveway to be permitted as a private Airstrip. Mr. Dennis explained the access to and the conditions of the site and that the docket was transmitted to various agencies for comment. He noted that despite the requirement for a Non-Residential Permit, the site would remain essentially a Residential site and explained the requested Modification. Mr. Dennis discussed the issues with the restricted airspace from Fort Huachuca, noting that the Applicant's proposed aircraft could not climb into the restricted space, but explained a Condition that the Applicant meet with staff from the Fort to come to a working agreement. He also explained the correspondence that Staff had received regarding the proposal, and the public response to the Special Use request. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler asked for clarification of the Condition that the Applicant notify Army personnel prior to any takeoff or landing. Mr. Dennis explained that the details of communication would be worked out between the Applicant and the Army. Mr. Bemis asked if the specific airframe requirement could be expanded to allow similar aircraft. Mr. Dennis explained the request and noted that the Commission could alter the Condition at their discretion. Mr. Bemis also asked for clarification regarding the communication between the Applicant and the Army. Mr. Dennis clarified the Condition, stating that it required a relationship, but did not specify the details. Mr. Bemis also expressed concern regarding a Condition applying to fuel storage, asking if it was overly onerous by applying beyond fuel for any aircraft. Mr. Dennis explained how Staff had crafted Conditions based on historical Conditions. Mr. Bemis explained that he was concerned that the Condition would apply to any fuel on site and would place the Applicant out of parity with other residential property owners. Mr. Bemis and Ms. Weissler stated that they felt that specifying aviation fuel would clarify. Ms. Weissler also stated that any commercially available fuel container would meet the Condition. Mr. Garcia asked if the Applicant would also have to get a permit from the FAA. Mr. Dennis explained that the Applicant would have to do so as a Condition of the Special Use permit.

Mr. Martzke invited the Applicant to make a statement. Mr. Mark Stonebraker spoke, explaining his plans for the site. He stated that his only change would be to lengthen the runway for safety and for neighbor convenience. He stated that he was going to improve Stonebraker Road, but was not going to move the road, as he had believed that the road was not in the correct location. Mr. Stonebraker explained the certification process with the FAA and asked for support. Mr. Bemis asked Mr. Stonebraker about the Condition limiting the airframe. Mr. Stonebraker concurred that a more general condition would be preferable.

Mr. Martzke opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of or in opposition to the project.

Mr. James Sullivan of Tombstone spoke in support, stating that he appreciated the airstrip as an extra emergency access.

There being no further speakers, Mr. Martzke then closed the Public Hearing and then called for the Planning Director's summary and recommendation. Mr. Dennis recommended Conditional Approval and explained the Conditions and Modifications recommended by Staff. At Mr. Bemis' request, the Condition regarding airframe was expanded to allow similar aircraft. Mr. Dennis also changed the fuel storage condition to limit the Condition to aviation fuel. Mr. Martzke called for a motion. Mr. Bemis asked for clarification regarding the changes to the Conditions. Mr. Hanson explained that the motion must specify the changes. Ms. Weissler made a motion for recommending Approval of the Special Use with the Conditions and Modifications given by Staff, allowing aircraft of similar performance and adding the language specifying aviation fuel. Mr. Lynch seconded the motion and Mr. Martzke called for a vote. The motion passed unanimously.

Motion: Motioned to approve the Special Use request with Modifications and Conditions recommended by Staff, removing the restriction on specific airframe selection and altering the fuel storage Condition as discussed.

Action: Approve with Conditions and Modifications **Moved by:** Ms. Weissler **Seconded by:** Mr. Lynch

Vote: Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

Yes: Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Lynch, Mr. Cervantes, Mr. Garcia, and Mr. Martzke.

No: 0

Abstain: 0

Item 4

PUBLIC HEARING -- Docket SU-13-17 (Salem): A Special Use request to use an existing single-family dwelling for a short-term rental. The proposal requires a change of land use to Guest Lodging. The subject parcel is located at 10323 E. Rock Creek Lane in Pearce. The Applicant is Suzanne Salem.

Mr. Martzke called for the Planning Director's report. Mr. Peter Gardner presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner explained that the request was to allow an existing home to be used as a short-term rental guesthouse. He explained the access to the site and that the docket was transmitted to various agencies for comment. He also explained the correspondence that Staff had received regarding the proposal. Mr. Gardner also explained the Modifications requested by the Applicant, as well as the public response to the Special Use request. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Martzke invited the Applicant to make a statement. Ms. Suzanne Salem spoke, explaining the location of the property and the nature of the request. Ms. Weissler asked Ms. Salem for clarification regarding Ms. Salem's residence. Ms. Salem explained that they had a home in Glendale as well as a home near the site in question.

Mr. Martzke opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of or in opposition to the project. There being none, he closed the public hearing and asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions and Modifications requested by Staff. Mr. Lynch asked for details regarding the location of the site, and upon receiving clarification from the Applicant, Mr. Lynch stated that he felt the Private Maintenance Agreement for one mile of non-maintained road was onerous for such a limited use. He asked for clarification regarding such agreements, which Mr. Gardner provided. Mr. Bemis asked about ownership of the road. Mr. Gardner stated that the road was an easement along several parcels. Mr. Bemis explained that he uses the road often and agreed with Mr. Lynch and stated that he felt the Agreement should be dropped. Mr. Martzke called for a motion. Mr. Lynch made a motion for recommending Approval of the Special Use with the Conditions and Modification given by Staff, striking the Condition requiring a Private Maintenance Agreement. Ms. Edie seconded the motion and Mr. Martzke asked for discussion. Mr. Bemis asked for clarification of the Condition being struck, which Mr. Lynch provided. Mr. Martzke called for a vote. The motion passed unanimously.

Motion: Motioned to approve the Special Use request with Conditions and Modifications recommended by Staff, removing the Condition requiring a Private Maintenance Agreement.

Action: Approve with Conditions and Modifications **Moved by:** Mr. Lynch **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

Yes: Chairman Lynch, Mr. Cervantes, Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Martzke, and Mr. Garcia.

No: 0

Abstain: 0

Item 5

PUBLIC HEARING -- Docket Z-13-04 (Waste Mgmt. of Arizona, Inc.): A rezoning request from GB (General Business) to LI (Light Industry) for the parcel located at 2183 N. Coyote Place in Whetstone to facilitate a solid waste transfer station land use. The site is currently being used by the Applicant as a vehicle and container storage yard with an administrative office. The Applicant is Waste Management of Arizona, Inc., Ms. Nicole Bisacchi, Agent for Applicant.

Mr. Martzke called for the Planning Director's report. Planning Manager Michael Turisk presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. He noted that the parcel currently had two zoning designations, and this request was only to change the portion zoned General Business to Light Industry, without changing the portion zoned RU-4. He explained the Special Use request granted by the Commission in 2008. Mr. Turisk explained that the Applicant intended to transport rubbish to their private landfill in Tucson rather than to the County landfill in Huachuca City. Mr. Turisk also explained the public response to the request. He noted that the request could be considered an extension of the existing use and explained that the Applicant was proposing mitigation measures to alleviate neighbors' concerns. Mr. Turisk explained that after the 2008 Special Use the Applicant was required to provide funds to improve nearby roads, and such improvement was done last year. He closed by listing factors in favor of and against approval, and explained a requested Modification and invited questions from the Commission.

Mr. Bemis asked for clarification that the Applicant would be hauling rubbish to Tucson, and Mr. Turisk concurred, but deferred details to the Applicant. Mr. Bemis then asked for clarification of weekend operation, expressing concern that rubbish may be stored on site over the weekend. Mr. Turisk explained that his understanding was that all materials would be removed before the weekend.

Mr. Martzke invited the Applicant to make a statement. Ms. Nicole Bisacchi from Waste Management spoke to explain the project, explaining the intended use that was driving the rezoning request. She explained that the Recycling Facility authorized by the Commission in 2008 had been delayed due to economic reasons. Ms. Bisacchi showed photos of the site and explained that there was a buffer around the site. She noted that there would be no hazardous waste, but only household and commercial trash on site. She defended her analysis that there would be no change to traffic from the site by stating that due to the economic downturn the current traffic was lower than previous projections.

Ms. Bisacchi spoke regarding the economics of dumping in Tucson versus locally and explained that they wanted to have both options available. She also noted that they were not going to be accepting materials from other haulers. Ms. Bisacchi detailed her communication with neighbors and explained proposed mitigation to the neighbors' concerns. She noted that waste would be removed daily and committed to ensuring that there would be no trash on the floor over the weekend and that there would be no stacked containers on site. Ms. Bisacchi explained the expected benefits to the community, noting jobs and extending the life of the local landfill. She showed examples of similar existing facilities and closed by inviting questions from the Commission.

Mr. Bemis asked about the outgoing trucks. Ms. Bisacchi explained that the haulers were full-sized semi trucks with tarps over the loads. Mr. Bemis asked for clarification on the number of loads per day, suggesting it would be 12 plus trucks per day plus the regular garbage trucks. Ms. Bisacchi concurred with Mr. Bemis' numbers. Mr. Bemis asked if the structure would be large enough to accommodate a semi truck for loading. Ms. Bisacchi explained that the trucks would be under the building and be loaded directly from above. Mr. Lynch asked for clarification if the building would be fully enclosed or three sided. Ms. Bisacchi stated that the structure would be three sided. Mr. Lynch asked if other commercial haulers would be permitted to dump on site. Ms. Bisacchi stated that no other commercial trash haulers would be permitted, but commercial recyclables would be accepted. Ms. Weissler asked for clarification on the economics of hauling versus tipping locally. Ms. Bisacchi demurred on exact numbers but explained that such an operation was common for Waste Management, and that the disposition depended on current economics. Ms. Weissler also asked about when the offending recyclable containers were removed. Ms. Bisacchi explained that the containers were removed the day that Staff explained they were in violation. Ms. Weissler commented that she had concerns about previous poor execution of the site and worried that the poor execution would continue with the expansion. Ms. Edie asked what the Applicant was currently doing with the rubbish. Ms. Bisacchi noted that currently the rubbish was being dumped in the County or Sierra Vista landfills.

Mr. Martzke opened the Public Hearing, noting that there were several petitions that had been delivered prior to the meeting, and asked if there were any members of the public wishing to speak in favor of or in opposition to the project.

Ms. Lucinda Earven of Huachuca City spoke against the request. She noted that the Applicant's initial citizen review letter was incorrect, the letter stating that the request was a Special Use rather than a rezone. She expressed concern regarding traffic on West Oak Street, pointing out that Staff felt the trips count was much higher than the Applicant's estimates, and that the trucks would be larger than current trucks. Ms. Earven noted that Quail Ridge RV Park was required to use entrances on Oak Street only in emergencies to minimize traffic and questioned why the garbage trucks and semis could use the road. She expressed concern about spreading trash and noise, noting that the traffic operates outside of daylight hours, and that equipment would create additional noise. Ms. Earven also expressed concern about air and water quality and vermin, as well as visual impact of the proposed structure. She stated that she felt the only winner from this request was the Applicant.

Mr. Gilbert Reeves of Huachuca City spoke against the request. He noted that the County landfill had plenty of capacity for the foreseeable future. He asked if the Commissioners would like to have huge trucks driving by their homes at four in the morning. Mr. Reeves stated that the residents of Oak Street had cleaned up the neighborhood and that this use would negate those efforts. He stated that he felt the Whetstone area was neglected on the Commission as none of the Commissioners were from that area. He also stated that the route of the Applicant's trucks is easy to follow by tracing the spilled hydraulic fluid. Mr. Reeves stated the request was "unthinkable" in that area.

Ms. Lisa Barnett of Huachuca City thanked the Commission for hearing the public on this issue. She mentioned handout that she had passed out to the Commission. She noted that the area was residential and explained the pride the residents had in their neighborhood. She also expressed concern about property values and the ability to sell a home in the area. Ms. Barnett noted how close the local landfills were to the site, and explained how other transfer stations in the area were located away from homes. She stated that she felt it should not be the responsibility of residents to bear the cost of the Applicant's business model. She stated she felt due to the failure of Whetstone to incorporate, there was no one working to protect Whetstone and asked the Commission if it made sense to put a Light Industrial property in the middle of a residential area and asked for the Commission's protection.

Ms. Jere Fredenburgh of Sierra Vista concurred that the area was residential and that the project would harm property values.

Ms. Diana Barton of Huachuca City spoke against the project. She expounded on the amount of trash that would be handled and expressed concern about the early hours of operation. She also noted that the Applicant's written request stated that the site would be open to other commercial haulers. Ms. Barton stated that she felt the plan to accept materials from other commercial haulers was the intent of the project, and if it passed then the County "might as well close the local landfill," and stated that all the tipping fees would go away. She asked if anyone in Planning and Zoning lived on West Oak, and stated that if anyone lived there they would not recommend the project for approval. She stated that the proposed zoning did not fit in the neighborhood. Ms. Barton expressed concern for the safety of semi trucks turning left from Oak onto Highway 90. She claimed that "Planning wants to regulate how many dogs I own or where I put my manure, but are plotting to allow a transfer station in a rural area where I can only have ten dogs and have to have my manure pile 25-feet from my fence, but we applaud that Waste Management wants to haul trash into the area." She stated that the project should be denied, claiming that it will "bring financial ruin to our County."

Ms. Nellie Lowry of Huachuca City stated that she was a longtime resident of the area and opposed the request. She stated that the Applicant had violated the terms of the previous approvals and claimed personal knowledge of the Applicant storing trash from Friday night until Saturday. She complained about trucks running in the early hours. Ms. Lowry also expressed concern about damage to West Oak Street.

Dr. Catherine Ricks of Huachuca City emphasized that the area was residential and opposed the request.

She referenced a publication from the Environmental Protection Agency and stated that there was no way to eliminate problems. She also noted that the area experienced high winds that would readily spread any odor and trash throughout the community. Dr. Ricks asked for clarity regarding the number of trucks using the site and expressed concern for future expansion. She stated that everyone she spoke with in the neighborhood was opposed to the request.

Ms. Janice Lackner of Huachuca City stated she found it frustrating and upsetting to be before the Commission before regarding this property. She stated that she felt people wanted to “use Whetstone as a dump”. She emphasized that it was a neighborhood and stated she could not understand “how it even gets this far, and how that could even be considered next to a house.” Ms. Lackner closed by noting agreement with previous speakers.

Mr. Gary Miller of Huachuca City stated that he owned the Quail Ridge RV and Mobile Home Park. He explained that ADOT prohibited his park from using West Oak Street due to safety issues on the highway. Mr. Miller explained that a transfer station is essentially a portable dump and expressed concern for offsite impacts such as odor, vermin, and noise. He emphasized the noise generated by the equipment to run the station. He stated that he felt there would be raw sewage on site and expressed concern regarding commercial garbage. Mr. Miller also worried about issues over the weekend. He claimed to have spoken with other local transfer stations and dumps and that none of those facilities understood why the Applicant would do this. He also expressed concern for growth on this site. Mr. Miller stated that he felt that there was no way to adequately mitigate the offsite impacts from a transfer station except to deny the rezoning in the first place.

Ms. Candice Cheek of Huachuca City stated that she had concerns for Oak Street when rain falls. She stated that several neighbors had moved out and attributed it to the presence of Waste Management. She stated that competing companies are much better about cleaning up loose trash. Ms. Cheek also disputed the Applicant’s assertion that there was no trash left on site over the weekend.

Mr. Sean Wales of Huachuca City noted that he is Vice-Chair of the District Three Board of Adjustment, and that he had been asked by several citizens to speak on their behalf. He expressed concern that the notification radius is too small and asked the Commission to review the minimum requirement. Mr. Wales also expressed concern about the previous push for a dump in Whetstone and questioned the need for another. He noted that there is a large well near the site, and expressed concern that the proposed transfer station could harm that well, limiting water availability to Huachuca City. He also expressed concern about how the transfer station could impact other local businesses such as Mr. Miller’s RV Park.

Mr. Jim Wales of Huachuca City noted that he was a longtime resident of the area and agreed with the sentiment that people wanted to use Whetstone as a dump. He stated that he felt another transfer station in the area was not necessary. He also expressed concern about the limited notification radius. Mr. Wales expressed concern that the project would harm the appearance of the area, and stated that the area was already in need of improvement.

He recalled a docket when he was on the Commission, explaining that another Commission member told him that she decided based on “who was there first.” He asked the Applicant to work out a deal with the County to use existing facilities.

Ms. Eileen Swiers of Huachuca City expressed concern that the project would only harm the neighborhood.

There being no further speakers, Mr. Martzke then called for the Applicant’s rebuttal. Ms. Bisacchi addressed the concern about the traffic times and offered a limit on semis being run from 7am until 5pm. She emphasized that only internal trucks would be dumping onsite, and that no external trucks would be using the facility. She also addressed concerns about recyclables being mixed together by stating that the materials are sorted later. Ms. Bisacchi addressed the concerns about the well by stating that the industry is highly regulated and inspected by ADEQ and emphasized their excellent compliance record. She explained that misters would be used to control odor and dust. She also noted that the site would not accept sewage or wastewater. Ms. Bisacchi addressed the financial questions by explaining that Waste Management had recently opened a new landfill in Pima County, which changed the economic considerations. She invited further questions from the Commission.

Mr. Martzke then called for Planning Director’s summary and recommendation. Mr. Turisk noted that the recommendation was difficult for Staff and emphasized that the neighbor input had come at a late date, and recommended Conditional Approval, explaining the Conditions and Modification requested by Staff. Mr. Lynch asked what the other Light Industrial property in the area was used for. Mr. Turisk explained that the parcel had been rezoned to facilitate an automotive salvage yard. Mr. Lynch also asked if there was anything prohibiting the Applicant from accepting trash from other haulers, noting that the Applicant had stated that they did not intend to do so, but wondering what would happen if that changed. Mr. Turisk answered that Staff had not crafted a Condition addressing that concern, but noted that the Commission could do so. He did express concern that such a Condition may be difficult to enforce. Mr. Hanson added that unless there was a Condition prohibiting such an action then the Applicant’s statement from the podium was not binding and that if the Commission had a concern to that effect then an appropriate Condition should be attached. Mr. Lynch stated that as a pure land use the use was conceivably appropriate, but felt that the Commission had an obligation to listen to the citizens and stated that he was opposed to the request. Mr. Bemis agreed that the request could work, but felt that an approval would be asking the local community to subsidize the Applicant’s operation at the expense of their quality of life and stated that he would oppose it. Mr. Cervantes commented that he understood the neighbors’ concern about noise, dust, and vibration from the trucks. Mr. Garcia noted that his neighborhood has semi trucks twenty-four hours a day and explained that the project in his neighborhood had made promises that they had not kept regarding the site, and opposed the current request on that basis. Ms. Weissler expressed concern that while trash must go somewhere, the proposed location was a poor choice. Mr. Martzke called for a motion. Mr. Lynch made a motion for recommending Approval of the Special Use with the Conditions and Modification given by Staff with the additional Condition prohibiting the Applicant from accepting other material from other commercial haulers. Mr. Bemis seconded the motion and Mr. Martzke asked for discussion and a vote. The motion failed unanimously.

Motion: Motion to forward to the Board of Supervisors with a recommendation of approval with Conditions and Modifications recommended by Staff and a Condition prohibiting the Applicant from accepting refuse from other collectors.

Action: Approve with Conditions and Modifications **Moved by:** Mr. Lynch **Seconded by:** Mr. Bemis

Vote: Motion failed (**Summary:** Yes = 0, No = 8, Abstain = 0)

Yes: 0

No: Chairman Lynch, Mr. Cervantes, Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Martzke, and Mr. Garcia.

Abstain: 0

WORK SESSION

Mr. Martzke asked if the previously voted on changes had been heard by the Board of Supervisors. Planning Director Beverly Wilson explained that the Board was going to hear the docket on October 22. She explained that the purpose of the Work Session was to discuss some of the questions regarding some of the previous changes. Mr. Hanson and Ms. Wilson proceeded to address the questions posed at the previous meeting. Mr. Hanson explained that as Sections were eliminated the numbers were held in reserve as a drafting technique to eliminate the requirement to renumber every other section and reference. He clarified a question regarding changes to city codes by explaining that the County had adopted their own codes rather than adopting city codes. He went on to explain that the recently established Building Code Advisory and Appeal Board would make recommendations pertaining to Building Code changes. Mr. Hanson explained that language pertaining to penalties was taken directly from State statute, but noted that the County had never utilized the options therein. He clarified that area plans are only applied if they are adopted by the Board of Supervisors for a particular area. Mr. Hanson then addressed concerns about Appeals by explaining the difference between appeals to the Board of Adjustments, the Board of Supervisors, and the Building Code Advisory and Appeals Board. He closed by addressing Section 307, explaining that this language was standard nationwide, and expounded on the practical reasons for it. He explained how it protected property owners from noxious uses that were not yet covered in the regulations, and noted that a list of prohibited uses would be voluminous and would likely still not be complete. Mr. Martzke asked if the Board of Appeals had wide-open authority. Mr. Hanson asked if Mr. Martzke meant the Building Code Advisory and Appeals Board. Mr. Martzke responded that he did and asked "if someone goes before the Board of Appeals and they grant something, is that then the law as far as that's concerned?" Mr. Lynch interrupted to ask Mr. Martzke if he meant the Board of Adjustment. Mr. Martzke referenced a case involving a park model home "that was denied by the Planning and Zoning Commission because it did not meet the requirements for a mobile home area." He continued that "it went before the Board of Appeals and they determined that the park model mobile home was a mobile home and is now in place where no one else can have a mobile home of that size." He stated that "the Board of Appeals really overrode the regulations." Mr. Lynch and Ms. Wilson interrupted to correct Mr. Martzke that the case was before the Board of Adjustment, and Ms. Wilson used it as an example of the process that Mr. Hanson had explained as it was an appeal of her decision as the Zoning Inspector, in which the Board of Adjustment overturned her appeal.

Mr. Martzke asked if the decision was a precedent and therefore anyone could bring a park model mobile home into a mobile home residential area. Mr. Hanson explained that the Board of Adjustment's decisions did not set precedent and applied only to that particular case and explained that different Boards or the same Board at a later date may come to a different decision. Mr. Bemis returned to Section 307, and admitted that he disagreed with Mr. Hanson's logic, but suggested changing the word "specifically" with "may be" in front of "prohibited." Mr. Hanson explained that such a change would be meaningless from a legal standpoint, noting that something either "is prohibited or it isn't."

Mr. Bemis again expressed concern that "the permission of the king is needed to do anything in the County," and stated that his suggested language came from another attorney. Mr. Hanson stated that Mr. Bemis' assertion was incorrect and stated that regulations are crafted to create acceptable uses in any area, as well as those that are questionable that would come before the Commission. Mr. Bemis again expressed confusion as to the point of the Section, as "we have to do that anyway." Mr. Hanson reiterated that without that section, if a particular use was not specifically prohibited then it would be permitted without any requirement to go before the Commission.

Ms. Wilson explained that the regulations pertaining to agriculture had been reviewed by the Commission and changed by the Board several months prior. She also reiterated the State statutes regarding agricultural exemption and explained why poultry farms were regulated and how they were defined under State law. She also addressed questions regarding Home Occupations, noting that such language had been in the regulations since their inception. She also clarified the requirements and the permitting process for them. Ms. Wilson also explained the difference between Contract Construction Services being a primary use while a Home Occupation was an accessory use. She noted suggestions for process from Mr. Lynch. Mr. Martzke asked Mr. Lynch to explain his suggestions.

Mr. Lynch stated that he felt the process by which the previous regulation changes were reviewed took too much Commission and Staff time. He suggested an alternative involving breaking changes into several smaller sections with each section being voted on separately. He suggested using work sessions to come to agreement on the text of proposed regulations rather than changing language during the regular meeting. Mr. Lynch stated that he was concerned that making changes at a meeting would violate open meeting law as then changes may happen that had not been advertised. He also suggested that if a Commissioner was absent from a Work Session on a Section then they should forgo the opportunity at the next meeting to rehash language discussed at that Work Session. He emphasized again that the Building Code Advisory and Appeals Board had no role to play in changing the Zoning Regulations. Mr. Martzke asked Mr. Lynch when the public input would occur. Mr. Lynch stated that Call to the Public was an option and that any vote would be a public hearing at which the public could speak. Mr. Martzke asked if, prior to a vote, there was a major issue raised by the public what the Commission should do, and suggested voting it down. Mr. Lynch suggested tabling such items to the next meeting and having another Work Session. He reiterated his concern about wordsmithing during the public hearing. Mr. Martzke agreed with this concern and the suggestion of breaking changes into small chunks. He did express concern about how it would be sent to the Board of Supervisors. Mr. Lynch suggested asking the Board for direction.

Mr. Hanson noted that it would likely be four to five years before another major update would occur. Mr. Martzke stated that he felt the Commission had come up with a number of new changes during the discussion of the proposed changes. Ms. Weissler commented that the Commission was unable to agree on any such changes and noted that most substantial changes had been removed. Ms. Bemis concurred with Mr. Lynch's suggestion regarding process. He asked if during the review of the previous changes the Commission had been charged with reviewing the changes or with an entire review of the regulations.

Mr. Hanson stated that the primary focus was the changes that were suggested by staff, but noted that there was nothing prohibiting a Commission member from suggesting or writing a change. Mr. Bemis suggested a training session prior to such a review so that the Commission knew what their mandate was. Mr. Lynch suggested voting in Work Sessions to determine if a change should go in. Mr. Hanson explained that such a vote would not be permitted. Mr. Lynch, Mr. Martzke, and Ms. Edie further discussed the process, suggesting two reads, or a Work Session and a public hearing on regulation changes. Ms. Weissler noted that Mr. Lynch's suggestion would fit this process. She also expressed concern that the process of Ms. Wilson reading the proposed changes was a waste of time and asked that Commissioners come to Work Sessions "prepared" rather than seeing the document for the first time at the Work Session. Mr. Martzke asked how many Articles the Commission could handle at one time. Mr. Garcia stated that he accepted the position at the request of the Supervisor, and felt that the training and explanation would come on the fly during the meetings and stated he would not have the time to read everything prior to the meetings. Ms. Weissler clarified that she meant that Commissioners should show up with questions regarding the issues at hand. Mr. Hanson asked Mr. Martzke if the Commission had specific changes in mind or if they wanted to do an entire line-by-line review. Mr. Bemis stated that he would like to see direction from the Supervisors and expressed concern about going beyond their expectation. Mr. Hanson suggested asking the appropriate Supervisor, and stated that he did not think that the Board was expecting a comprehensive review. Mr. Cervantes agreed, stating that he felt the purview of the docket was the proposed changes rather than a comprehensive review. Mr. Martzke agreed asking the Board for direction and waiting to see how the Board receives the proposed changes before them. Mr. Lynch reminded that while not everyone may be satisfied with every regulation, the current regulations have been reviewed by prior Staff, Commissioners, and accepted by the Board of Supervisors. He also suggested that Staff should put the draft changes together based on input from elected officials and the public. Ms. Weissler asked if Staff had any changes that could be discussed next month. Ms. Wilson stated that the water changes would come forward as a docket next month. Ms. Weissler suggested following Mr. Lynch's proposed system for future changes. Ms. Miller asked if there would be a work session on the water regulations for further discussion. Ms. Wilson explained that the changes had been made at the suggestion of the Commission and the Commission was welcome to table the item for a Work Session. Ms. Miller and Mr. Martzke expressed concern that the docket was being pushed through, and Mr. Lynch reminded that the Commission could table the item for further discussion.

PLANNING DIRECTOR'S REPORT

Mr. Martzke then called for the Planning Director's report.

Director Beverly Wilson informed the Commission that on October 22 the Board would hear the Zoning Regulations and an appeal to the AIRES docket denied by the Commission, and that on November 5 the Board would hear an appeal of the West Edge Medical Marijuana Greenhouse docket approved by the Commission in September. She also informed the Commission that there is one Special Use docket and an update to water conservation zoning regulations for the November meeting.

CALL TO COMMISSIONERS

Mr. Martzke asked about absences for the next meeting. Mr. Bemis asked to withdraw his name from consideration for Chair. Mr. Martzke asked Mr. Hanson if a vote could be taken at the time. Mr. Hanson stated that the answer was no due to the action item section of the agenda being closed.

ADJOURNMENT

Ms. Weissler moved to adjourn, Mr. Cervantes seconded and the meeting was adjourned at 7:54 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *(PAG)*
FOR: Beverly J. Wilson, Planning Director *(BW)*
SUBJECT: Docket SU-13-18 (Overturf)
DATE: October 29, 2013 for the November 13, 2013 Meeting

APPLICATION FOR A SPECIAL USE

The Applicants request Special Use authorization to use an existing 1,568-sq- ft. Single-Family Residence for a doctor's office and outpatient health clinic. The proposal requires a change of land use to Health Clinic, requiring Special Use approval per Section 707.05 of the Zoning Regulations. The subject Parcel (121-17-031) is located at 978 S. Lee Street in St. David. The Applicants are Angela and Adam Overturf of 806 N. Mesquite Drive, St. David.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

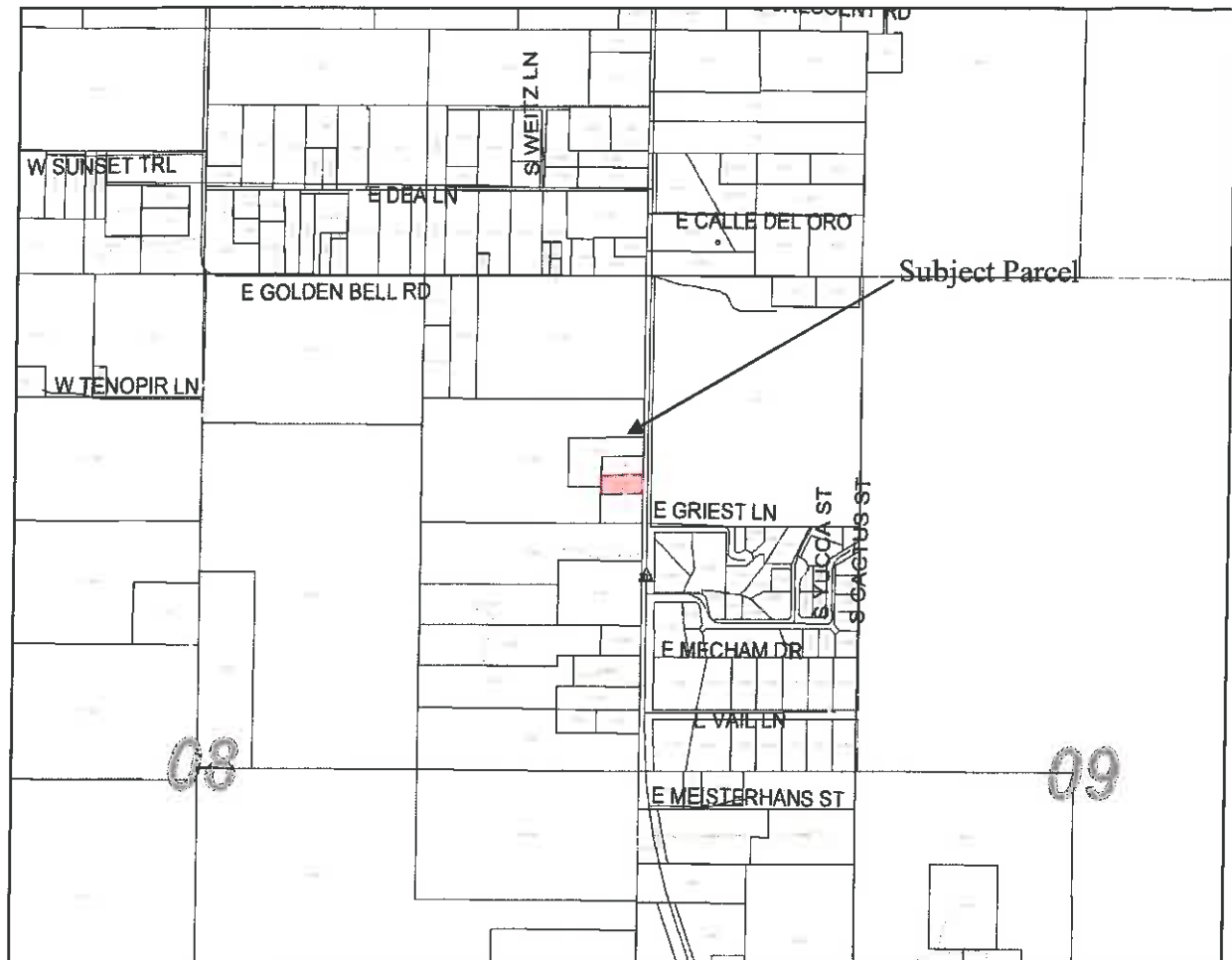
Parcel Size: 25,000-square-feet (0.57-acres)
Zoning: TR-36 (Residential; one dwelling per 36,000-square-feet)
Growth Area: Category D (Rural)
Comprehensive Plan Designation: Rural-Residential
Area Plan: St. David Plan
Existing Uses: Residential
Proposed Use: Medical Clinic

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	Single Family Residential
South	TR-36	Single Family Residential
East	State Highway / MH-54	S. Lee Street (Highway 80) / RV Park
West	TR-36	Single Family Residential / Vacant Land

II. PARCEL HISTORY

1968 – Home and septic system constructed;
1972 – Parcel split into current configuration; and
1990 – Permit issued to construct carport and workshop.



III. NATURE OF REQUEST

The Applicants, Angela and Adam Overturf, intend to use the existing house as a doctor's office and health clinic. The parcel is less than the minimum size required in the TR-36 zoning district, but it was created in 1972, prior to the adoption of the Zoning Regulations in 1975. Therefore, it is a Legal Non-Conforming (LNC) Parcel and may be developed per Section 2003.01.A of the Zoning Regulations.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Nine of the 10 criteria apply to this request. The project as submitted complies with seven of the nine applicable Special Use factors, as submitted. If the Conditions of Approval and development standard Modification recommended by Staff are applied, the project would comply with eight of the applicable factors.

2

A. Compliance with Duly Adopted Plans: Complies

The property lies within the boundaries of the *Saint David Area Plan*. The Plan limits Special Use Permits to several categories, one of which is “small scale, locally owned and operated neighborhood-serving businesses.” The proposed meets these three criteria. The operation will be small scale, and expansion would be extremely difficult due to site development standards as discussed below. The Applicants live in the Saint David community, and the location, nature, and scope of the clinic will ensure that it will serve the Saint David community rather than draw clients from the larger communities nearby, such as Benson. In addition, the Federal Government, via the Department of Health and Human Services, has declared the Saint David area a Shortage Area in regards to medical services. This project therefore clearly meets the “neighborhood serving” category.



View of the existing home and yard area to be developed as parking

B. Compliance with the Zoning District Purpose Statement: Does Not Comply

R-(Residential) zoning districts are established to achieve the following purposes:

- To provide an area for family living at a variety of low to medium densities;
- To provide an area where single-household dwellings, rehabilitated mobile homes and manufactured homes can co-exist; and
- To provide a transition between higher residential densities found in urbanized areas and very low densities found in the County's rural, unincorporated areas.

Although the Article 7 Purpose Statement does not provide a rationale for any non-residential use, a number of such uses are allowed as permitted and Special Uses.

C. Development Along Major Streets: Complies

The site is located on S. Lee Street, which is Highway 80. As the structures and driveway are existing, this proposed use will not add a new point of access.

D. Traffic Circulation Factors: Complies

The Comprehensive Plan Transportation Policies (Section 102.B.3) suggest that non-residential uses should have access to arterial and/or collector roads. The project complies with this policy, and does not result in non-residential traffic through residential-serving streets. The Plan Policies also suggest that Single-Family Residences are discouraged from having direct access to arterial and/or collector roads. This project would convert a residential access point into a more appropriate commercial one.



View of the driveway and. S. Lee Street looking North

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer, and utility services on the property.

The property is served by St. David Water, an on-site septic system, SSVEC provides electric power, and Southwest Gas provides natural gas. The site is served by the St. David Fire Department.

The proposed change of use from a Single-Family Residence to a Medical Clinic is estimated to increase average daily trips from approximately 10 to approximately 50. The westbound lane of State Route 80 is a no passing zone in front of the location, indicating the possibility of visual impediments to the north, which would likely be the intersection of E. Golden Bell Road. While the Applicant has stated that traffic will come in even numbers from each direction, Staff feels that the bulk of the traffic will come from Saint David to the north, rather than from the south in the direction of Tombstone. This belief is based on the relative population densities in each direction. In terms of impacts, this means that the majority of traffic will be turning right into the site, and left out of it. The site is not expected to exceed 10 left-hand turns per hour, which is the threshold at which ADOT requires a dedicated turn lane. Staff feels that based upon the traffic count, visibility, and speed limit through the area that the infrastructure will support the increase in traffic.

F. Significant Site Development Standards: Complies (Subject to Requested Modification)

As submitted, the project site complies with applicable site development standards, with one exception. The site plan is deficient with regard to the setbacks to the north and south property lines. The existing home is approximately five-feet from both the north and south property lines and the existing accessory building is approximately five-feet from the north property line. While these setbacks are permitted for a principal use on a Legal Non-Conforming Lot, they are less than the 40-feet required for a Special Use in a TR Zoning District. Staff recommends that the Commission grant a Modification to legitimize these deficiencies and allow the structures to stand as-is.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received no negative responses from neighboring property owners. Staff received one letter supporting the request, and one opposing it. The letter of opposition raised two concerns. The first was a concern that the project would increase property taxes for surrounding property owners, and the second was a concern that cars would park along the highway in front of the writer's property. Per the Assessor's office, the proposed conversion would not affect the taxes of residential properties in the area. As for the parking concerns, both ADOT and the County prohibit parking in the right-of way, the Applicant is proposing more than double the number of parking spaces required by the Zoning Regulations, and the site is more than 200-feet from the writer's property.

H. Hazardous Materials: Not Applicable

Per the Applicant, no hazardous materials are to be stored or utilized on site. All medical waste shall be stored and disposed of according to all applicable Federal, State, and Local laws.

5



View of the rear of the structure showing the undeveloped rear yard

I. Off-Site Impacts: Complies

The principal off-site impacts generated by the project will be the additional traffic generated on site. As previously discussed, the increase in traffic will not negatively impact the roadway; therefore the concerns are focused on the impact of the vehicles on the site. The Applicant's intent to use chip seal rather than gravel for the driveway and parking area will mitigate dust and noise. While there will be an increase in lighting to comply with Zoning and ADOT requirements for activities occurring in hours of darkness, all lighting will be required to comply with the County Light Pollution Code to mitigate the impacts to neighboring property owners.

J. Water Conservation: Complies

While the use of chip seal in the driveway and parking areas will increase the amount of impervious surface on the site, the rear of the property is proposed to remain in its current state, leaving site coverage less than 50-percent. Based on the size of the parcel and its westward slope towards the undeveloped portions, the decrease in recharge should be minimal. In terms of water usage, estimates for medical uses range from 0.1-gallons per day per square-foot on the low end for clinics to 0.213-gallons per day per square-foot for hospitals. These rates give a daily usage of approximately 150- to 350-gallons per day, which is less than the 400-gallons per day for an average Single-Family Residence. Coupled with the fact that the Applicant is proposing operating only five days per week, this represents at least a 35-percent savings over an average Single-Family Residence and may represent a 70-percent decrease in water usage.

6

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on October 15, 2013, and published a legal notice in the *Bisbee Observer* on October 24, 2013. In response to this mailing, the Department received one positive response and one negative response from neighbors. The concerns expressed in the negative response have been addressed above.

VI. REQUESTED MODIFICATION

The minimum setback for Special Uses in the Residential Districts is 40-feet; however as the proposed use will utilize existing structures built prior to the adoption of the Zoning Regulations on an undersized, Legal Non-Conforming parcel, Staff requests a Modification to allow the existing setbacks of approximately five-feet for the principal and accessory structures.

VII. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of approval, and requested Modification, the proposed use would comply with eight of the nine applicable Special Use factors used by Staff to analyze such requests;
2. The proposed use complies with the intent of the St. David Area plan for commercial activities;
3. The proposed use would provide general medical services to an area designated as a Shortage Area by the U.S. Department of Health and Human Services;
4. The proposed use would enhance citizens' access to health services; a strategy to protect the health of citizens as articulated in the Cochise County Strategic Plan;
5. The offsite impacts generated by the increase in traffic will be effectively mitigated;
6. The proposed use would use existing structures; and
7. One neighboring property owner has expressed support in writing for the project.

Factors Against Allowing the Special Use

1. Despite the Conditions of approval the proposed use fails to comply with one of the nine applicable Special Use factors used by Staff to analyze such requests, failing to comply with the Zoning District Purpose Statement; and
2. Additional lighting will be introduced into a Rural-Residential area;
3. Non-residential traffic, although considered minimal, would be introduced into a Rural-Residential area; and

7

4. One neighboring property owner has expressed opposition in writing for the project.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12 months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Staff also recommends that the setback Modification discussed above be applied to the land use as part of such approval.

Sample Motion: Mr./Ms. Chairman, I move to approve Special Use Docket SU-13-18, with the Conditions and Modification to development standards recommended by Staff; the Factors in Favor of Approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Special Use Questionnaire
- B. Location Map
- C. Concept Plan
- D. Citizen Review and Public Comment





COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 121-17-031

APPLICANT Angele + Adam Overturf

ADDRESS 806 N. Mesquite Drive St. David, AZ 85630

CONTACT TELEPHONE NUMBER 520-720-9487

EMAIL ADDRESS: overturfangie@gmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

ADDRESS 978 S. Lee St. David, AZ 85630

DATE SUBMITTED _____

Special Use Permit Public Hearing Fee (if applicable)

\$ 300-

Building/Use Permit Fee

\$ 0-

Total paid

\$ 300-

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

9

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6. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Residential
2. What is the proposed use or improvement? Commercial use: Health Care Clinic
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Provide the delivery of healthcare services in a primary care setting - no anticipated significant impact on neighboring properties.
4. Describe all intermediate and final products/services that will be produced/offered/sold. Healthcare services, physical exams, etc.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

wood + block/stucco existing construction

6. Will the project be constructed/completed within one year or phased? One Year X
Phased if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: M-F Hours (from 8 AM to 8 PM)

B. Number of employees: Initially: 2 Future: 5
Number per shift Seasonal changes 0

- C. Total average daily traffic generated:

- (1) How many vehicles will be entering and leaving the site.

30

- (2) Total trucks (e.g., by type, number of wheels, or weight)

0

- (3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

Highway 80 (state route) north/south

- (4) If more than one direction, estimate the percentage that travel in each direction

50% north, 50% south

- (5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Monday early morning/late afternoon

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day per year

Will you use a septic system? Yes X No If yes, is the septic tank system existing?

Yes X No Show the septic tank, leach field and 100% expansion area on the site plan.

- G. Does your parcel have permanent legal access*? Yes X No ___ if no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached ___ NA X

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	St. David Water	
Sewer/Septic	Dave Miller Plumbing	
Electricity	SSVEC	
Natural Gas	Southwest Gas	
Telephone	Century Link	
Fire Protection	St. David Fire Dept.	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

None

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No X if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No X if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No ☒ If yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes ___ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes ___ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ☒ No ___ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No ☒

If yes, will storm water be directed into the public right-of-way? Yes ___ No ☒

Will washes be improved with culverts, bank protection, crossings or other means?
Yes ___ No ☒

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

_____ *Chipseal* _____

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13
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13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No ☒ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? N/A

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes ___ No ☒ If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

14
A

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

SECTION E - Applicant's Statement

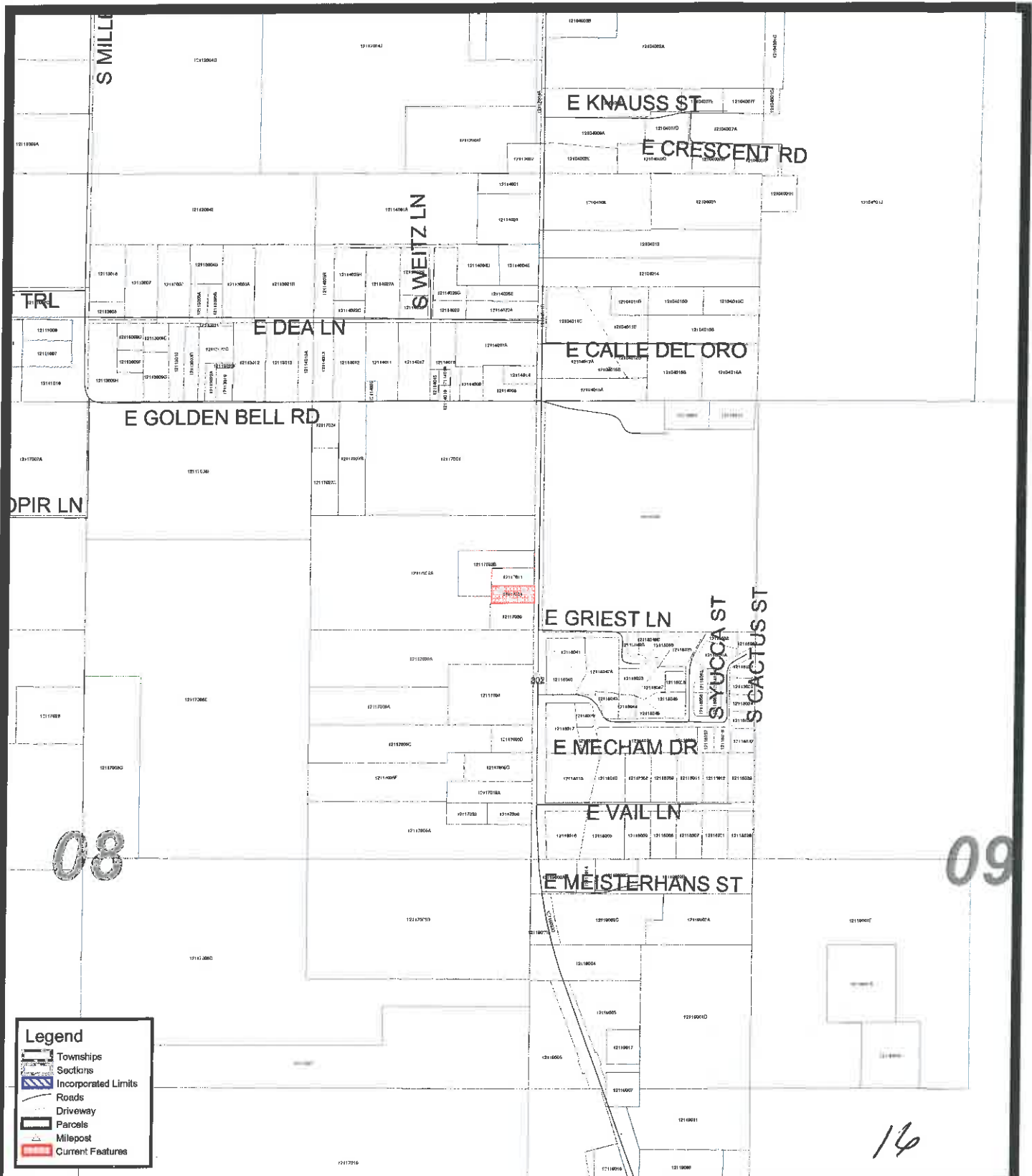
I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Angela Overturf

Print Applicant's Name Angela Overturf

Date signed 9/17/13

15
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Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Current Features

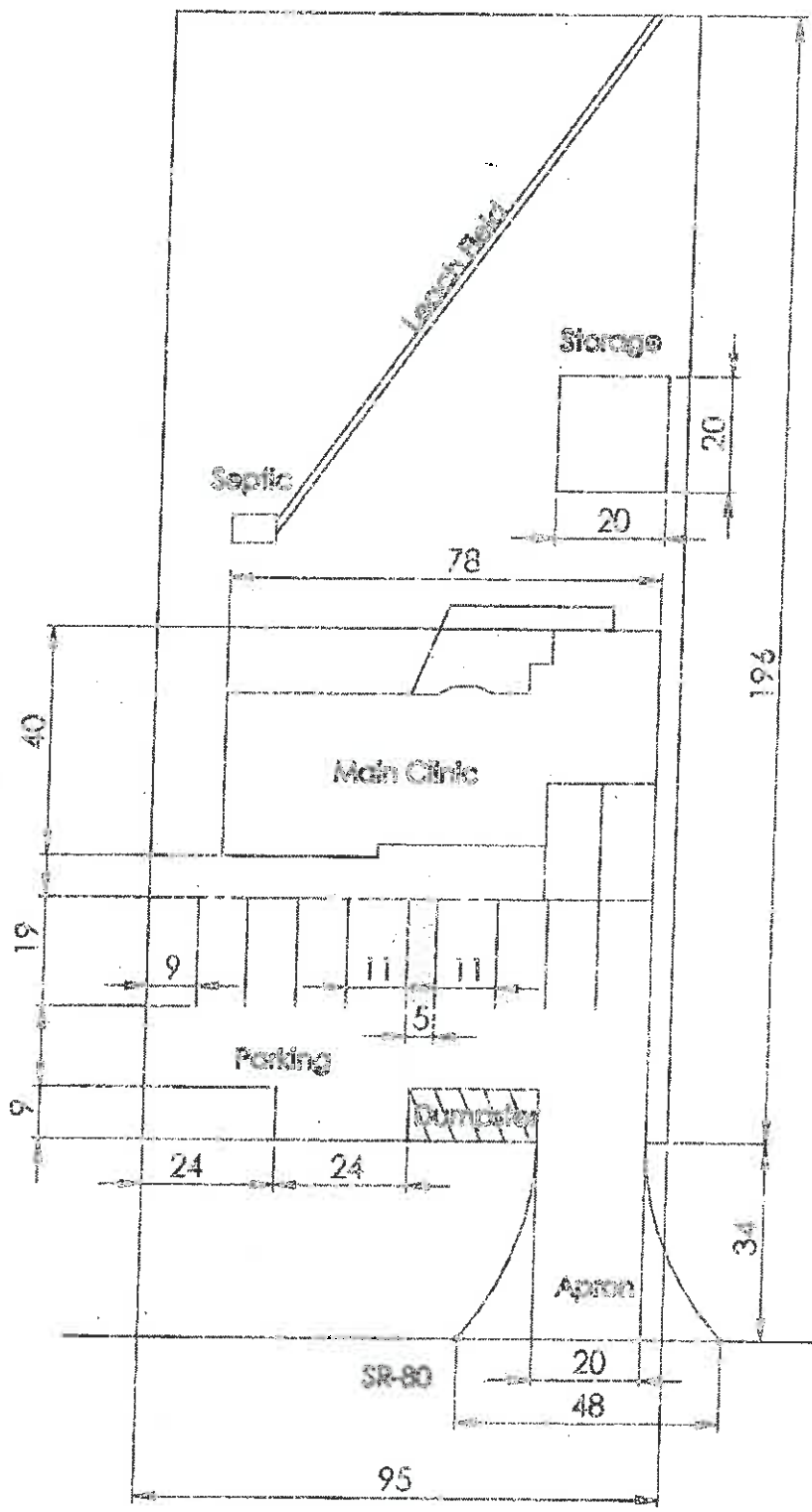


SU-13-18 (Overturf)
Location Map

This map is a product of the
Cochise County GIS

B ↑

0' 1" = 800'



PROPRIETARY AND CONFIDENTIAL
THE INFORMATION CONTAINED IN THIS
DRAWING IS FOR REFERENCE ONLY AND
MAY BE DISTRIBUTED FREELY.

DIMENSIONS ARE IN FEET	
NEXT ASSY	USED ON
APPLICATION	DO NOT SCALE DRAWING

NAME DATE
DRAWN A. Overfurf 17 AUG 13
CHECKED
ENG APPR.
MFG APPR.
Q.A.
COMMENTS:
PROPOSED SITE LAYOUT
AND USAGE PLAN FOR
978 SOUTH LEE STREET
SAINT DAVID, AZ 85630

978 SOUTH LEE STREET

SIZE DWG. NO.
A 1
SCALE: 1" = 10'

REV. 2
17
C

Special Use: Docket SU-13-18 (Overturf)

COCHISE COUNTY

OCT 16 2013

PLANNING

 X YES, I SUPPORT THIS REQUEST

Please state your reasons:

we believe that having a health clinic would benefit
Sanit David residents and help our winter visitors.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Tanya Walzth, Richard G. Walzth Jr.

SIGNATURE(S):

Tanya Walzth
Richard G. Walzth Jr.

YOUR TAX PARCEL NUMBER:

12118035

(the eight-digit identification number found on the tax statement

from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, October 25, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

18
D

Special Use: Docket SU-13-18 (Overturf)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

COCHISE COUNTY

OCT 25 2013

PLANNING

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

I have questions: (1) Will my taxes go up?
(2) Will patients park on property along highway in front of my property?

(Attach additional sheets, if necessary)

PRINT NAME(S):

LEONOR E. HOWE

SIGNATURE(S):

LEONOR E. HOWE

YOUR TAX PARCEL NUMBER: 121-17-032A7 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, October 25, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603



19

D



COCHISE COUNTY
COMMUNITY DEVELOPMENT
"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Michael Turisk, Planning Manager 
FOR: Beverly J. Wilson, Planning Director 
SUBJECT: Docket R-13-02 -- Amendments to Section 1820.02 of the Zoning Regulations
(Sierra Vista Sub-watershed Overlay Zone)
DATE: October 25, 2013 for the November 13, 2013 Meeting

I. Executive Summary

On a global scale, water resources are threatened, and it has been suggested that future global conflict will be waged over water and other resources in the coming decades. This, in part, has made more communities quick to realize that the most valuable community resource is water. When groundwater tables drop, water supplies, human health, and the environment are at risk, as lower water levels can contribute to higher concentrations of natural and human contaminants, for example. Using water more efficiently helps maintain supplies at safe levels that protect human health, the environment, as well as local and regional economies.

In Arizona, water resources planning has taken center stage in recent years due largely to steady statewide population increases, the specter of climate change (the suggestion that the Southwest will experience increased drought conditions), and the realization that water resources are finite. Water resources planning in the state is authorized by legislative mandates and *Growing Smarter Plus* legislation, which allows Arizona counties and cities to specifically plan for development as it relates to available water resources.

Groundwater is the primary water source for the residents of the *Sierra Vista Sub-watershed*, including the Cities of Sierra Vista, Huachuca City, Tombstone, Bisbee and the rural residents of the sub-watershed in Hereford, Naco and Palominas. Groundwater also sustains the base flow of the San Pedro River and its associated riparian ecosystem, formally protected through an act of Congress as the *San Pedro Riparian National Conservation Area* (SPRNCA). Currently, water outflow from the regional aquifer of the Sierra Vista Sub-watershed, including water withdrawn by pumping, exceeds natural inflow. As a result, groundwater levels in parts of the sub-watershed are declining and groundwater storage is being depleted. The continued decline of water levels and associated storage depletion will eventually diminish groundwater flows to the San Pedro River.

As part of the Defense Authorization Act of 2004, Congress set a requirement for achieving, by various means, a sustainable level of groundwater use within the Sierra Vista Sub-watershed. Although Congress included the term "sustainable yield" in the legislation, the definition of the term was left to the *Upper San Pedro Partnership* (USPP).

20

The USPP is a cooperative organization formed in 1999 that has set as its goal “to ensure an adequate long-term groundwater supply is available to meet the reasonable needs of both the area’s residents and property owners (current and future) and the San Pedro Riparian National Conservation Area.” It is worthwhile noting that while individual member agencies may have authority regarding water or land use, the USPP itself has no such authority.

In 2006, due in part to adapt to growth combined with sustainable yield requirements, the Board of Supervisors adopted the *Sierra Vista Sub-Watershed Water Conservation Management Overlay and Policy Plan* (Plan). The Plan represents the County’s signature document dedicated to water conservation that allows for the application of water conservation standards for an area of the County where they are most needed. The Plan allows for uniform application of standards that supersede building code requirements, where applicable.

Due in part to take advantage of advancements in water conservation technologies, staff has proposed amendments to Section 1820.02 of the Zoning Regulations pertaining to water conservation requirements within the Sierra Vista Sub-watershed. The proposed amendments are intended to:

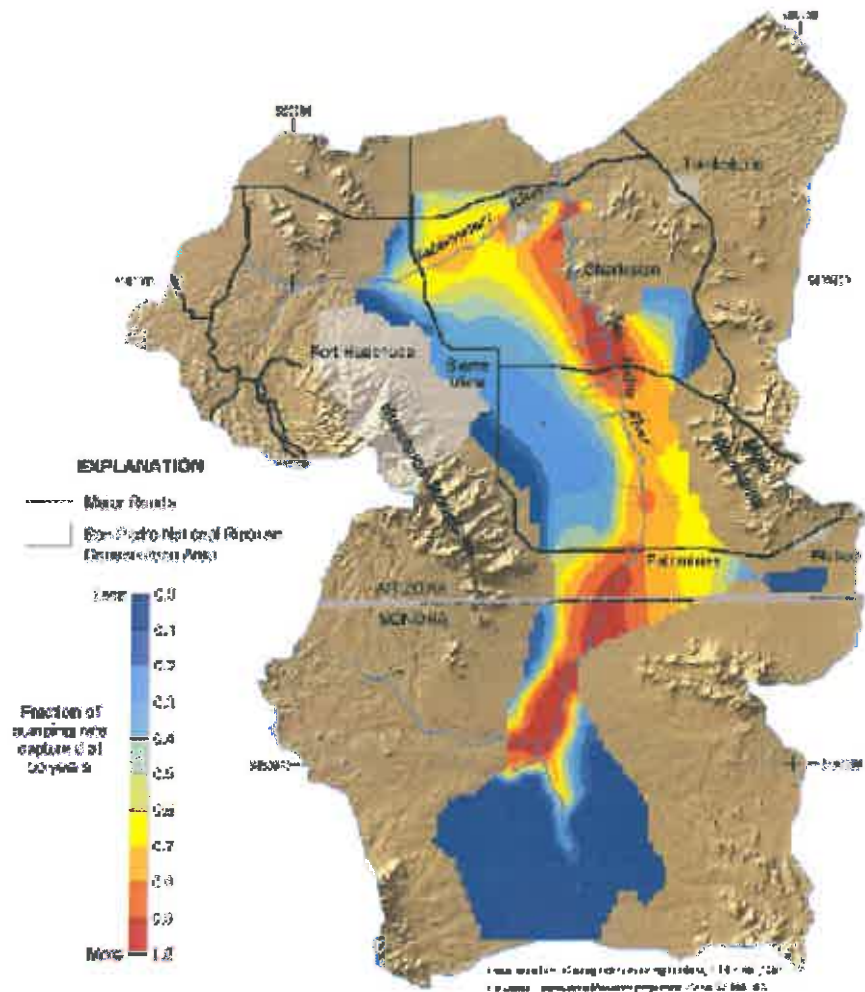
- *Reduce the rate of depletion of groundwater resources within the sub-watershed;*
- *Reduce overall per capita water use;*
- *Ensure compliance with the most current and innovative water-saving conservation fixtures, appliances, and techniques;*
- *Ensure the efficient delivery of hot water in new commercial and residential development; and*
- *Ensure that new home development meets or exceeds the Environmental Protection Agency’s (EPA) WaterSense specifications for interior plumbing design and for exterior water-use system design (discussed in more detail below).*

II. Groundwater Depletion

Groundwater depletion is primarily caused by sustained pumping, and the volume of groundwater in storage is decreasing in many areas of the United States in response to pumping. Such effects, while variable, happen to some degree with any groundwater use. An aquifer can be compared to a bank account, and ground water occurring in an aquifer is analogous to the money in the account. Hydrologists refer to this type of accounting as a *water budget*. Ground water can be recharged (deposited) by infiltration from precipitation, surface water, or applied irrigation water; it can be stored; and it can be discharged naturally, or transpired by plants (withdrawn). In a groundwater system prior to development, the system is in long-term equilibrium -- discharge is equal to recharge, and the volume of water in storage remains relatively constant. Groundwater levels fluctuate in time over a relatively small and natural range.

Once pumping begins, however, this equilibrium is changed and groundwater levels decline.

Just as a bank account must be balanced, withdrawals from an aquifer by pumping must be balanced by some combination of increased recharge, decreased discharge, and removal from storage.



Computed capture of streamflow, riparian evapotranspiration, and springflow that would result from groundwater pumping at a constant rate for 50 years. The color at any location represents the fraction of the withdrawal rate by a well at that location that can be accounted for as changes in outflow from and/or inflow to the aquifer for model boundaries representing streams, riparian vegetation, and springs.

If intensive pumping from an aquifer continues, then adverse effects may occur. These include:

Well problems - Reduced groundwater levels have three main effects on water wells. First, as the depth to water increases, the water must be lifted higher to reach the land surface. As the lift distance increases, so does the energy required to drive the pump. Thus, power costs increase as groundwater levels decline. In addition, groundwater levels may decline below the bottom of existing pumps, necessitating the expense of lowering the pump, deepening the well, or drilling a deeper well. Third, the yield of the well may decline below usable rates.

Reduced surface water flows - Surface and groundwater systems are intimately linked.

Groundwater pumping can alter how water moves between an aquifer and riparian area by either intercepting flow that discharges into the surface water body under natural conditions, or by increasing the rate of water movement from the surface water body into an aquifer. In either case, the net result is a reduction of flow to surface water, though the full effect may take many years. A related effect of groundwater pumping is the lowering of groundwater levels below the depth that riparian vegetation needs to survive.

Subsidence - Land subsidence is a gradual settling or sudden sinking of the Earth's surface owing to subsurface movement of earth materials. Although several different earth processes can cause subsidence, more than 80% of subsidence in the U.S. is related to groundwater withdrawal.

Table ES1. Water recharged to and withdrawn/discharged from the regional aquifer underlying the Sierra Vista Subwatershed in 2009

[Water-budget volumes are in acre-ft/yr; inflows are assigned positive numbers, outflows are assigned negative numbers; all values are estimates based upon the best available data and computational methods. Total is 100 acre-ft larger than sum of components due to rounding error calculating component volumes from subcomponents]

Component	Estimated volume
Natural aspects of system	1,900
Pumping	-16,500
Active management measures	4,100
Passive recharge resulting from human activities	4,500
Total aquifer storage change	-6,100

Deterioration of water quality - Inland aquifers can experience similar problems where withdrawal of good quality water from the upper parts of inland aquifers can allow underlying saline water to move upward and degrade water quality. Additionally, where groundwater is pumped from the aquifer, surface water of poor or differing quality may be drawn into the aquifer. This can degrade the water quality of the aquifer directly or mobilize naturally occurring compounds in the aquifer.

III. Sierra Vista Sub-watershed

In Cochise County, the *Sierra Vista Sub-watershed* is the most sensitive to groundwater withdrawals for various reasons, but primarily because within its bounds flows the San Pedro River and its proximity to the City of Sierra Vista and the outlying "bedroom" communities of Hereford and Palominas. As mentioned, in 2004, Congress passed legislation currently referred to as Section 321 of the National Defense Authorization Act recognizing the *Upper San Pedro Partnership* (Partnership) and its members, including Cochise County, as the vehicle for mitigating water use impacts in the Sierra Vista Sub-watershed.

The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Defense and in cooperation with the Partnership, are charged with reporting on water use management and conservation measures that have been implemented and are needed to restore and maintain the sustainable yield of the regional aquifer so as to protect the San Pedro River. In addition, the Cochise County Comprehensive Plan, Section 201 D allows for the establishment of other plan areas and plans, which may "have policies, elements or standards which modify, replace or supersede those in otherwise applicable growth areas or plan designations."

The Plan's water conservation requirements apply only to the Sierra Vista Sub-watershed, as defined by the Arizona Department of Water Resources (ADWR) and the United States Geological Survey (USGS). In general, the Plan area is defined by the sub-watershed boundary that extends from the Mule Mountains and Dragoon Mountains along the eastern boundary, to the Huachuca and Whetstone Mountains along the western boundary, the international boundary with Mexico to the south and the sub-watershed boundary slightly north of Highway 82. Seven years after the Plan's adoption and implementation it continues as an important approach towards protecting not only water resources within the sub-watershed, but the regional environment and economy as well. At the time, there was a need to take a watershed-based approach to water conservation in the sub-watershed because watersheds do not recognize political, social or urban/rural boundaries.

The overall situation in the regional aquifer of the Sierra Vista Sub-watershed is not improving; rather, it continues to get worse albeit at a slower rate than what was occurring a few years ago. Although the annual overdraft of the aquifer has reduced significantly from the 14,400 acre-ft originally anticipated for 2009 to 5,100 acre-ft today, this is still another 5,100 acre-ft that has been removed from storage. This is in addition to the 54,500 acre-ft removed since the beginning of monitoring in 2002, and the hundreds of thousands of acre-ft that have been removed from storage since groundwater pumping commenced in earnest in the first half of the 20th century. In addition, although the scientific community continues to help fully understand the magnitude of the water deficit in the Upper San Pedro Basin and estimate its impact, there is widespread recognition of the benefits of continuing a watershed-based approach to reduce groundwater pumping. Wise use and reuse of what is withdrawn from the aquifer will enhance continued efforts to preserve surface and subsurface flows in the San Pedro River and the watershed. Using and reusing water resources responsibly and recharging or augmenting groundwater as necessary, for example, are resource management approaches recognized as being effective in reducing groundwater withdrawal.

IV. Hot Water Delivery Systems

Water waste occurs while waiting for hot water to reach a fixture. How long one must wait for hot water depends on three factors -- the distance from the water heater, the diameter of the piping, and the flow rate. Hot water on-demand pumping systems are widely regarded as the type of system that saves the most water. Although certain other systems have greater potential to save water, they are more costly, less energy efficient, and unlikely to garner broad acceptance. Furthermore, on-demand systems still require user-activation; without activation, the unit does not perform as intended. However, an alternative system recently developed requires no user-activation.

Manifold systems are integrated into home plumbing systems, and although water savings are not as significant as with recirculation systems, water savings are *guaranteed*; every home using a manifold system thus saves water. Hot water delivery systems incorporating a manifold distribution device conserve water by using small 3/8-inch lines, one to each fixture, and from the manifold.




A 1942 photograph (top) of a reach of the Santa Cruz River south of Tucson, Arizona, shows stands of mesquite and cottonwood trees along the river. A photograph (bottom) of the same site in 1989 shows that the riparian trees have largely disappeared, as a result of lowered ground-water levels. Photos: Robert H. Webb, USGS.





As a rough indicator of water usage, a home with no recirculation system (or a recirculation system that is not being used) will waste about 8,000 gallons of water per year. A home using a manifold system will waste about 1,600 gallons of water per year. A home using a recirculation system will waste about 325 gallons of water per year. A home using an on-demand recirculation system will also waste about 325 gallons of water per year, but will save energy compared to other recirculation systems (*Grieshop, 2013*)

V. WaterSense Provisions

WaterSense is a partnership program that seeks to protect water resources by offering simple, inexpensive approaches and methods for reducing water use through water-efficient products and services. *WaterSense* seeks to help in making smart water choices that save money for communities and residents and maintain high environmental standards without compromising performance. Products and services that have earned the *WaterSense* label have been certified at least 20% more efficient without sacrificing performance. *WaterSense* brings together a variety of stakeholders to promote the value of water efficiency, provide residents with easy ways to save water, as both a label for products and an information resource to help people use water more efficiently, encourage innovation in manufacturing, and decrease water use and reduce strain on water resources and associated infrastructure. To be a *WaterSense* home, one must go through a certification process involving an inspection, a report and certificate issuance.

My Water Savings 

By replacing your current fixtures with the *WaterSense* labeled fixtures you selected, you'd save...

 <p>Water: 32,000 gallons saved annually Equivalent to washing 780 loads worth of laundry</p>	<p>Electricity: 580 kilowatt-hours annually Equivalent to running a refrigerator for 6 months</p> 	<p>Greenhouse Gas Emissions:  870 pounds of greenhouse gas emissions annually Equivalent to taking 1 car off of the road for 28 days</p>	<p>Money: \$330 in utility bills annually</p> 
---	--	--	--


Recalculate How Much I'll Save

Recalculate your results by clicking the link above and changing the information you provide.

Ready To Save?

- Find a *WaterSense* labeled product
- Discover more ways to save
- Pledge to save water

Tell your friends about your savings



- How it works
- MS Excel version

*Estimated annual savings for a family of four that uses outdated toilet fixtures and whose water is heated by electricity, per *WaterSense*.*

Staff has proposed including those *WaterSense* provisions that are relevant to the Sierra Vista Sub-watershed, including provisions for Energy Star appliances. Note, however, that the majority of currently available appliances and fixtures have the *WaterSense* label.

VI. Proposed Amendments

Similar to the current requirements for uses within the Sierra Vista Sub-watershed Overlay Zone, the attached proposed amendments (Exhibit A) to Section 1820.02 *would apply only to properties located within the Overlay Zone's boundaries, and would not be retroactive, but rather, apply to only new commercial and residential construction.*

VII. RECOMMENDATION

Staff recommends that R-13-02, proposed amendments to Section 1820.02 of the Zoning Regulations pertaining to water conservation requirements within the Sierra Vista sub-watershed, be forwarded to the Board of Supervisors with a recommendation of approval.

Sample Motion: *Mr./Ms. Chairman, I move to forward a recommendation of approval as proposed of Docket R-13-02 to the Board of Supervisors.*

VIII. ATTACHMENTS

- A. Exhibit A (Section 1820.02 of the Zoning Regulations Amended) – Marked-up and “clean” versions
- B. Public Comments/Petition

1820.02 Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone

The following water conservation measures shall be required of all residential and non-residential properties in the Sierra Vista Sub-watershed, as defined by the Arizona Department of Water Resources and delineated on County maps and, when a building permit is required, be subject to plan review and inspections:

A. New Construction – Residential:

All interior plumbing in new residential construction, consisting of one-to-four units, attached or detached, shall meet the following requirements:

1. All toilets shall be WaterSense labeled.
2. The installation of a pressure-reducing valve on the house side of the water meter, in an easily accessible location, shall be required for all new single-family residences (preferred location is in the garage or other non-in-ground location). The static service pressure shall be set no higher than 60 pounds per square inch (psi), regardless of input pressure.
3. **Evaporative Coolers:** New single-family construction shall not offer evaporative coolers as the only source of cooling. Maximum rate of unit cannot exceed 3.5 gallons of water per ton-hour of cooling. New or replacement evaporative coolers shall not be single-pass coolers.
4. Water softeners, if installed, must meet NSF/ANSI requirements.
5. Drinking water treatment systems, if installed, shall meet NSF/ANSI requirements (such systems shall yield at least 85 gallons of treated water per 100 gallons processed).
- 4.6. In existing buildings or premises in which plumbing installations are to be replaced, such replacement shall comply with all code requirements for water-saving devices.
- 7. Hot water on demand:** In new construction, a hot water system will be installed to provide hot water on demand at the point of use in sinks and baths/showers.
 - a. All hot water fixtures shall be WaterSense labeled. Insulation for hot-water pipe with a minimum thermal resistance (R-value) of R-4 shall be applied to the following:
 - (1) Piping larger than 3/8-inch nominal diameter.
 - (2) Piping located outside the conditioned space.
 - (3) Piping located under a floor slab.
 - (4) Buried piping.
 - (5) Supply and return piping in recirculation systems including branches to each fixture.
 - b. The following shall apply to all hot water distribution systems:
 - (1) Plan sets shall clearly demonstrate that the water usage limit specified herein is met for all hot-water fixtures except tubs and garden tubs.
 - (2) Nominal 3/8-inch line is required for all faucet and lavatory fixtures.
 - (3) One of the following systems is required:
 - (a) Whole-house manifold:
 - (1) The system shall be designed such that less than 0.38 gallons (6 cups) of water are in the piping between the manifold and any hot water fixture.

(b) Demand-Controlled (On-Demand) Hot Water Recirculating systems:

(1) The system shall be designed such that less than 0.13 gallons (2 cups) of water are in the piping between the hot water circulation loop after being primed, and any hot water fixture.

(2) Pump activation switches shall be permanently mounted on walls in all bathrooms and the kitchen. Remote switches may be used in addition to the permanent switches.

(3) A dedicated return line shall be used with a minimal line size of nominal 3/4-inch diameter.

(c) Either system, whole house manifold or trunk/branch/demand-initiated pump systems, must deliver hot water to any fixture within 0.6 gallons (9.6 cups). No other systems are permitted without the prior written approval of the County Zoning Inspector.

(d) Alternative systems may be considered and approved by the County Zoning Inspector and permitted in lieu of the use of a manifold or demand-controlled (on-demand) system. These systems may include, but are not limited to:

(1) Point-of-use water heaters. Must be located at all bathrooms and at the kitchen. Back-to-back systems sharing one heater shall be considered.

(2) Core Plumbing Systems that minimize pipe volume between the hot water source and any hot water fixture to 0.38 gallons (6 cups) or less.

(3) Systems that utilize a single-trunk recirculation system with a single length of nominal 3/4-inch piping running from the top of the water heater to each fixture in turn and back to the bottom of the water heater. Such systems shall use an on-demand pump meeting the requirements of item 2 above.

(4) New technology that improves upon any of the above, as determined by the County Zoning Inspector.

8. **Gray water plumbing:** New residential construction shall have gray water line(s) plumbed to stub out, and to be capped and clearly marked so as to permit the optional use of gray water by residents. The gray water plumbing must connect at least two plumbing fixtures, and preferably those that produce the most gray water without compromising the efficient evacuation of the black water pipes.

B. New Construction -- Commercial, Industrial, Multi-Family, and Public Development:

1. Waterless urinals shall be installed in all new public, commercial, multi-family residential common-use and industrial buildings where urinals are used. All applicable plumbing codes shall apply.

2. All new public, commercial, multi-family residential common-use, and industrial building restroom remodels or retrofits shall convert existing urinals to waterless urinals. All applicable plumbing codes shall apply.

3. All new commercial car wash facilities, including automobile dealerships, shall use water recycling systems which recycle a minimum of 75 percent of the water used. This requirement does not apply to small operation auto detailers or similar uses.

4. Kitchens in which dishwashers are installed must use Energy Star® rated dishwashers.

- 4-5. **Commercial Laundry Facilities:** All laundry facilities intended for public use such as laundromats, hotel guest laundries or multi-family housing laundry rooms will be equipped with Energy Star[®] qualified commercial clothes washers rated equal to or below the lowest current Energy Star[®] Water factor. This provision applies to initial establishment of new laundry facilities and on replacement of existing equipment due to normal wear and tear or other loss.
- 2-6. The use of air-cooling misters is prohibited in commercial and industrial developments.
- 3-7. Water softeners, if installed, must meet NSF/ANSI requirements.
8. Drinking water treatment systems, if installed, shall meet NSF/ANSI requirements (such systems shall yield at least 85 gallons of treated water per 100 gallons processed).
- 4-9. All new multi-family development exceeding four units shall provide independent-unit metering (water meter for each dwelling unit), with the following exceptions:
- a. Multi-family complexes providing 80 percent or more low- to moderate-income housing units, as defined by the federal office of Housing and Urban Development (HUD), may provide alternative water-saving design methods in lieu of the use of independent-unit metering. The burden of proof is on the applicant to show that an equivalent, or greater, water savings will be achieved.
- b. Alternative water-saving methods to include, but not be limited to, the following, may be considered by the County Zoning Inspector and permitted in lieu of the use of independent-unit metering:
- (1) Short hot-water line run distances (core plumbing systems).
- (2) Ratio Utility Billing Systems (R.U.B.S. – as allowed under applicable state law).
10. In existing buildings or premises in which plumbing installations are to be replaced, such replacement shall comply with all code requirements for water-saving devices.
11. **Artificial Water Features:** New artificial water features such as ponds, lakes, water courses, and other types of decorative water features are prohibited in any new commercial construction or in common user areas of multi-family housing unless their sole source is harvested rainwater. This provision does not pertain to required storm water detention/retention facilities, holding ponds used for treated effluent being used for permitted irrigation purposes, or permitted swimming pools and spas. Multiple water features on the same property will be considered together to determine surface area. Flowing water used in fountains, waterfalls, and similar features shall be recirculated.
12. **Outdoor Sprinkler Systems:** Any new installation or replacement of an automatic outdoor sprinkler system shall also include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time. Where there are multiple areas with a sprinkler system watered from one controller, the sensor must be installed at the largest area.
13. **Landscaping:** Any new landscaping proposing irrigation installation or re-installation in a median or similar strip of permeable surface less than fifteen feet in any horizontal dimension, adjacent to a roadway, sidewalk, parking area or other paved or impermeable area, shall be irrigated by a subsurface (drip), non-sprinkling irrigation system.

1820.02 Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone

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2. The installation of a pressure-reducing valve on the house side of the water meter, in an easily accessible location, shall be required for all new single-family residences (preferred location is in the garage or other non-in-ground location). The static service pressure shall be set no higher than 60 pounds per square inch (psi), regardless of input pressure.
3. **Evaporative Coolers:** New single-family construction shall not offer evaporative coolers as the only source of cooling. Maximum rate of unit cannot exceed 3.5 gallons of water per ton-hour of cooling. New or replacement evaporative coolers shall not be single-pass coolers.
4. Water softeners, if installed, must meet NSF/ANSI requirements.
5. Drinking water treatment systems, if installed, shall meet NSF/ANSI requirements (such systems shall yield at least 85 gallons of treated water per 100 gallons processed).
6. In existing buildings or premises in which plumbing installations are to be replaced, such replacement shall comply with all code requirements for water-saving devices.
7. **Hot water on demand:** In new construction, a hot water system will be installed to provide hot water on demand at the point of use in sinks and baths/showers.
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 - (3) One of the following systems is required:
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 - (1) The system shall be designed such that less than 0.38 gallons (6 cups) of water are in the piping between the manifold and any hot water fixture.

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(1) The system shall be designed such that less than 0.13 gallons (2 cups) of water are in the piping between the hot water circulation loop after being primed, and any hot water fixture.

(2) Pump activation switches shall be permanently mounted on walls in all bathrooms and the kitchen. Remote switches may be used in addition to the permanent switches.

(3) A dedicated return line shall be used with a minimal line size of nominal 3/4-inch diameter.

(c) Either system, whole house manifold or trunk/branch/demand-initiated pump systems, must deliver hot water to any fixture within 0.6 gallons (9.6 cups). No other systems are permitted without the prior written approval of the County Zoning Inspector.

(d) Alternative systems may be considered and approved by the County Zoning Inspector and permitted in lieu of the use of a manifold or demand-controlled (on-demand) system. These systems may include, but are not limited to:

(1) Point-of-use water heaters. Must be located at all bathrooms and at the kitchen. Back-to-back systems sharing one heater shall be considered.

(2) Core Plumbing Systems that minimize pipe volume between the hot water source and any hot water fixture to 0.38 gallons (6 cups) or less.

(3) Systems that utilize a single-trunk recirculation system with a single length of nominal 3/4-inch piping running from the top of the water heater to each fixture in turn and back to the bottom of the water heater. Such systems shall use an on-demand pump meeting the requirements of item 2 above.

(4) New technology that improves upon any of the above, as determined by the County Zoning Inspector.

8. **Gray water plumbing:** New residential construction shall have gray water line(s) plumbed to stub out, and to be capped and clearly marked so as to permit the optional use of gray water by residents. The gray water plumbing must connect at least two plumbing fixtures, and preferably those that produce the most gray water without compromising the efficient evacuation of the black water pipes.

B. New Construction – Commercial, Industrial, Multi-Family, and Public Development:

1. Waterless urinals shall be installed in all new public, commercial, multi-family residential common-use and industrial buildings where urinals are used. All applicable plumbing codes shall apply.
2. All new public, commercial, multi-family residential common-use, and industrial building restroom remodels or retrofits shall convert existing urinals to waterless urinals. All applicable plumbing codes shall apply.
3. All new commercial car wash facilities, including automobile dealerships, shall use water recycling systems which recycle a minimum of 75 percent of the water used. This requirement does not apply to small operation auto detailers or similar uses.
4. Kitchens in which dishwashers are installed must use Energy Star® rated dishwashers.

5. **Commercial Laundry Facilities:** All laundry facilities intended for public use such as laundromats, hotel guest laundries or multi-family housing laundry rooms will be equipped with Energy Star® qualified commercial clothes washers rated equal to or below the lowest current Energy Star® Water factor. This provision applies to initial establishment of new laundry facilities and on replacement of existing equipment due to normal wear and tear or other loss.
6. The use of air-cooling misters is prohibited in commercial and industrial developments.
7. Water softeners, if installed, must meet NSF/ANSI requirements.
8. Drinking water treatment systems, if installed, shall meet NSF/ANSI requirements (such systems shall yield at least 85 gallons of treated water per 100 gallons processed).
9. All new multi-family development exceeding four units shall provide independent-unit metering (water meter for each dwelling unit), with the following exceptions:
 - a. Multi-family complexes providing 80 percent or more low- to moderate-income housing units, as defined by the federal office of Housing and Urban Development (HUD), may provide alternative water-saving design methods in lieu of the use of independent-unit metering. The burden of proof is on the applicant to show that an equivalent, or greater, water savings will be achieved.
 - b. Alternative water-saving methods to include, but not be limited to, the following, may be considered by the County Zoning Inspector and permitted in lieu of the use of independent-unit metering:
 - (1) Short hot-water line run distances (core plumbing systems).
 - (2) Ratio Utility Billing Systems (R.U.B.S. – as allowed under applicable state law).
10. In existing buildings or premises in which plumbing installations are to be replaced, such replacement shall comply with all code requirements for water-saving devices.
11. **Artificial Water Features:** New artificial water features such as ponds, lakes, water courses, and other types of decorative water features are prohibited in any new commercial construction or in common user areas of multi-family housing unless their sole source is harvested rainwater. This provision does not pertain to required storm water detention/retention facilities, holding ponds used for treated effluent being used for permitted irrigation purposes, or permitted swimming pools and spas. Multiple water features on the same property will be considered together to determine surface area. Flowing water used in fountains, waterfalls, and similar features shall be recirculated.
12. **Outdoor Sprinkler Systems:** Any new installation or replacement of an automatic outdoor sprinkler system shall also include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time. Where there are multiple areas with a sprinkler system watered from one controller, the sensor must be installed at the largest area.
13. **Landscaping:** Any new landscaping proposing irrigation installation or re-installation in a median or similar strip of permeable surface less than fifteen feet in any horizontal dimension, adjacent to a roadway, sidewalk, parking area or other paved or impermeable area, shall be irrigated by a subsurface (drip), non-sprinkling irrigation system.

The county is proposing to adopt City of Sierra Vista Water and Landscape regulations. I understand the changes will 'only' affect the Sub-Water Shed which extends from approximately Ft. Huachuca to just East of Bisbee; Whetstone to Palominas.

Although I am not privy to the actual recommendations being made by the County staff, at one recent meeting Beverly Wilson (I believe) stated that the County wanted to adopt the Sierra Vista Water Codes in their entirety....so this seemed like a good starting point.

On a personal note, if these proposed regulations had been in effect when we purchased our home, we could not have. Would members of the P & Z choose to build under these regulations?

*Water conservation is important, but not at the expense of private property rights.

*Who benefits from these regulations? Not the homeowner; but in a conversation with Cochise Water Project, I was told that if CWP can reduce water usage they will receive additional grant funds to continue.....Is this the financial incentive driving this proposal?

*These are 'new construction' regulations, however there is nothing to stop the current Board or future Boards from requiring your home to 'come up to code' before sale. How many 'promises' have you heard recently at all levels of government that have been false?

*Proposed regulations are unfair and costly to homeowners.

* Freedom of choice on your own property, in your own home is restricted by these proposed regulations....these proposals are not intended to 'protect' your neighbor's property; they simply restrict your personal choice.

* I understand basic common sense building code requirements so people can expect a certain level of consistency, safety and quality, but when you start mandating interior fixtures, washing machines, faucets, toilets, recirculating pumps this is not the role of government, it is the choice of the homeowner and his budget.

*We are NOT part of the City of Sierra Vista and we made a conscious choice NOT be city residents. We chose the county for many reasons, including less government overreach and interference in personal activities.

*These regulations establish three distinct 'regions' – city, sub-watershed county, and county. What will be the next 'region' with different regulations?

*The cost to a new homeowner will increase. The contractors on the Advisory Board commented that the mandated sprinkler systems are costing homeowners, impacting the homeowners with wells and affecting their contracting business. It is the homeowner's PRIVATE property, and his money.

* It will impact building in the county and with an on-going recession this is impractical and unfair.

* Commercial or multi-family facilities will be required to update toilets, washing machines, etc....buildings currently standing empty will be even less appealing to new owners.

*I understand - 'health & safety'- concerns....but none of these regulations involving water or landscaping have any bearing on 'health & safety'.

*We are good stewards of the land....dispersed, large properties, unlike Sierra Vista's density.

Perhaps county employees think that all the people who live in the watershed are wealthy, we are not. My husband and I could not have afforded our home if all these requirements had been placed on us. In fact, we simply would not have moved to Cochise County.

Could P & Z members afford to build under these regulations?

There are NO health or safety issues in these proposed regulations; it is simply the 'powers that be', telling YOU how to construct YOUR home. Loss of liberty...

Who benefits?

I respectfully request the Planning & Zoning Commission reject these proposed regulations.

Jere Fredenburgh
County Resident
3474 Atsina Drive
520 803 9543
Representing Petitioners

Attached: Petition (2)

35

We the undersigned residents of Cochise County OPPOSE passage of
Sierra Vista style water regulations in the county. We live in the county
for a reason.

Signature/Name	Address	Date
Michael P. Jackson	4012 N. 2nd Ave Scottsdale, AZ 85050	10/24/13
Joseph Blum	1420 Camino Verde, AZ 85035	10/24/13
Richard C. Smith	2624 TWIN AVE S.E. AZ 85000	10/24/13
Bill Smith	2227 Mission Dr. SE AZ 85035	10/24/13
Don Simpson	5555 S. SHAWNEE ST AZ 85050	10/24/13
James Simpson	5555 Shawnee Dr. SE 85050	10-24-13
Manda Lee	416 E Allen in Huachuca City, AZ 85619	10/24/13
Jeff Treacubutts	3474 Arizona Dr. Sierra Vista AZ 85630	10/24/13
Don A. Leavelle	8752 E. WINDYBROOK DR. HUNTERDOWNS, AZ 85615	10/24/13
Donald H. Leavelle	9133 South MacKenzie Place, Chandler, AZ 85226	
Herward D. Summers	4854 W. GLEESON RD. ELFRIDA, AZ 85610	
Don Summers	2006 S. WILSON ST. SIERRA VISTA, AZ 85650	
Michael J. Steinfeld	3493 Catalina, Sierra Vista, AZ 85650	

We the undersigned residents of Cochise County OPPOSE passage of
Sierra Vista style water regulations in the county. We live in the county
for a reason.

Signature/Name	Address	Date
<i>Danah Stinger</i>	3493 Atsina Sierra Vista Az 85601-2813	
<i>Quinn</i>	3400 ATSIWATSI SIERRA VISTA AZ 85650-142113	
<i>Parole Reist</i>	3400 Atsina Dr. Sierra Vista Az 85650 10/28/13	
<i>Kevin Kishpawich</i>	7137 S. Downey St. Husford AZ 85615	
<i>3453 J</i>	5155 E DAVIS ST HESPERUS AZ 85615	
<i>William C. M.</i>	7329 S. Lindbergh Hesperus, AZ 85615	
<i>James</i>	8605 E Horsford Lane, Sierra Vista, 85650	
	Future Address ATSIWA/CHEROKEE, SV, 85600	

Turisk, Mike

From: Timothy Dilts [timothydilt@gmail.com]
Sent: Monday, November 04, 2013 6:22 AM
To: Turisk, Mike
Subject: Opposing additional water regulations for the County.

Mike: As a homeowner in the County, I would like to go on record to oppose additional water regulations, which would further restrict the domestic use of water in my home or my neighbors homes. I believe that using another entities template and simply overlaying it into the County will cause undue hardship for anyone trying to build in the unincorporated areas. Eventually, this will trickle down to anyone who now lives and pays taxes in Cochise County. These onerous regulations will be expanded to anyone wanting to remodel or sell their residential property.

You and I know the present political climate is breeding an Agenda 21 type mindset, where so-called environmental improvements take precedent over the tax paying populous. Several years ago, a foreign-owned entity, Liberty Utilities (formerly Liberty Water, before that Algonquin Water) tried to influence a well restriction on our properties. We fought that off, also. I have no doubt that they are still politically active and may be involved in influencing our elected officials.

I know you requested comments as of yesterday. Sorry to be a day late. Please forward this comment to the Board of Supervisors today with your other comments that have been gathered.

Sincerely,

5474 E. La Paloma Ln
Hereford, AZ

Timothy Dilts
520-220-8830